

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>CRIMINAL ACTION</b>
	)	
<b>STEVE LOGAN,</b>	)	<b>No. 07-20090-01-KHV</b>
	)	
<b>Defendant.</b>	)	
_____	)	

**ORDER**

On April 28, 2009, the Court sentenced defendant. On May 1, 2009, defendant filed a notice of appeal. This case is before the Court on defense counsel's notice of withdrawal as counsel (Doc. #209) filed May 1, 2009, which the Court construes as a motion to withdraw. Because defendant is represented by retained counsel, the motion is not properly before this Court. Tenth Circuit Rule 46.3(a) provides that "[t]rial counsel must continue to represent the defendant until either the time for appeal has elapsed and no appeal has been taken or this court has relieved counsel of that duty." Rule 46.3(a) also notes that an attorney who files a notice of appeal in a criminal case has entered an appearance and may not withdraw without the permission of the Tenth Circuit. Under the rule, the district court has no authority to relieve counsel of his duty and/or appoint new counsel.

**IT IS THEREFORE ORDERED** that defense counsel's motion to withdraw as counsel (Doc. #209) filed May 1, 2009 be and hereby is **OVERRULED**.

Dated this 11th day of May, 2009, at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge